

Peter N. Wang (PW 9216)
Jeremy L. Wallison (JW 6707)
FOLEY & LARDNER LLP
90 Park Avenue
New York, New York 10016
(212) 682-7474

Jon P. Christiansen
FOLEY & LARDNER LLP
777 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 297-5557

Attorneys for Petitioner Molson USA, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
MOLSON USA, LLC,	:	
	:	
Petitioner,	:	07 Civ. 6965 (HB)
	:	
-against-	:	NOTICE OF MOTION
	:	
JOHN G. RYAN, INC.,	:	
	:	
Respondent.	:	
-----X	:	

PLEASE TAKE NOTICE that, upon the attached motion for default judgment, the affidavit of Jeremy L. Wallison in support thereof, and all the papers and pleadings on file in this action, Petitioner Molson USA, LLC, shall move the Court, before the Honorable Harold Baer, Jr., United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on October 27, 2007, or as soon thereafter as the Court deems appropriate, for entry of a default judgment as more particularly set out in the attached motion.

This notice is given pursuant to Rules 5 and 55(b)(2) of the Federal Rules of Civil Procedure.

Dated: New York, New York
October 22, 2007

FOLEY & LARDNER LLP

By: 

Peter N. Wang (PW 9216)
Jeremy L. Wallison (JW 6707)
90 Park Avenue
New York, New York 10016
(212) 682-7474

Jon P. Christiansen
90 Park Avenue
New York, New York 10016
(414) 297-5557

Attorneys for Petitioner Molson USA, LLC

Peter N. Wang (PW 9216)
Jeremy L. Wallison (JW 6707)
FOLEY & LARDNER LLP
90 Park Avenue
New York, New York 10016
(212) 682-7474

Jon P. Christiansen
FOLEY & LARDNER LLP
777 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 297-5557

Attorneys for Petitioner Molson USA, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
MOLSON USA, LLC,	:	
	:	
Petitioner,	:	07 Civ. 6965 (HB)
	:	
-against-	:	
	:	MOTION FOR
	:	<u>DEFAULT JUDGMENT</u>
JOHN G. RYAN, INC.,	:	
	:	
Respondent.	:	
-----X		

RELIEF SOUGHT

Petitioner Molson USA, LLC moves this Court for entry of a default judgment under Rule 55(b)(2) of the Federal Rules of Civil Procedure. Petitioner seeks in this action confirmation of two arbitration awards, dated November 6, 2006 and July 13, 2007 respectively (the "Awards"), duly rendered by an arbitrator, Peter M. Collins, in accordance with the arbitration agreement between the parties. The Awards themselves are attached as exhibits to the Petition in this action, as well as to the affidavit of Jeremy L. Wallison in support of this motion

for a default judgment. Respondent having defaulted in responding to the Petition, Petitioner respectfully requests that a default judgment be entered confirming the Awards.

GROUND FOR RELIEF

1. Jurisdiction of the subject matter of this action is conferred under 28 U.S.C. § 1332, in that Petitioner and Respondent are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of interest and costs.
2. This action was commenced on August 3, 2007, by the filing of the Summons and Petition. Respondent waived service of the Summons and Petition on August 14, 2007, and Petitioner filed such waiver with the clerk on the same date. Respondent has not answered or otherwise responded to the Petition and the time for Respondent to do so has expired.
3. A Clerk's Certificate, noting the Respondent's default, was entered by the Clerk of the United States District Court for the Southern District of New York on October 16, 2007.
4. The Respondent is a corporation and, as such, is neither an infant nor in the military nor an incompetent person.
5. Notice of this application was given to Respondent more than three days before any hearing on this application, as is shown in the attached Affidavit of Service.
6. The Petition and exhibits attached thereto, including the duly signed, verified and authenticated Awards themselves, demonstrate Petitioner's entitlement to the relief sought in the Petition. By virtue of Respondent's default, Respondent may not challenge any of the factual allegations supporting the Petition.
7. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

SUPPORTING PAPERS

This motion is based in this document, the Notice of Motion, the accompanying affidavit of Jeremy L. Wallison in support of this motion, and on all of the pleadings and papers on file in this action.

WHEREFORE, Petitioner requests the instant motion for default judgment confirming the Awards be granted, together with such further relief as to the Court appears just and proper.

Dated: New York, New York
October 22, 2007

FOLEY & LARDNER LLP

By: 

Peter N. Wang (PW 9216)
Jeremy L. Wallison (JW 6707)
90 Park Avenue
New York, New York 10016
(212) 682-7474

Jon P. Christiansen
90 Park Avenue
New York, New York 10016
(414) 297-5557

Attorneys for Petitioner Molson USA, LLC